

REMARKS

Claims 1-11, 13-29, and 32 have been canceled. Claims 12, 30, 31, and 33-50 are pending. Claims 12, 30, 37, and 43 are independent. Applicant respectfully requests reconsideration and allowance of the application.

Examiner Interview Summary

The Applicant thanks the Examiner for the telephonic interview on August 9, 2007. During this interview, the Examiner and the Applicant's representative discussed various aspects of claims and, in particular, the term "partially powered off state." It was agreed that claim 32 (now canceled), which included a definition of the partially powered off state term, would make the claims more definite. Additionally, it was noted that the language of claim 32 could be improved by reciting claim language disclosed in the Specification on page 20 line 21 to page 21 line 7.

Applicant understands that the Examiner tentatively agrees that the proposed amendments overcome the outstanding rejections based on Kalluri, Takase, and Chess. The Examiner indicated that an updated search would be needed. Accordingly, independent claims 12, 30, 37, and 43 have been amended to include a definition of the term "powered off state" and the term "partially" has been removed from the powered off state in each of the claims.

Rejections under 35 U.S.C. 103

The art of record, neither alone nor in combination, teaches or makes obvious the inventions described in amended claims 12, 30, 37, and 43. Each of these claims is patentable in light of the art of record at least for the following reasons.

Regarding claim 12, it has been amended to recite "determining, at the client system, that a new software version was downloaded onto the client system while the client system was in a powered off state, wherein the powered off state is a state in

which the client device is able to receive software upgrades and in which the client device is unable to direct communication to the server." It is noted that the Office Action dated July 19, 2007 did not address dependent claim 32 and, accordingly, there is no assertion that the art of record teaches a "powered off state [that] is a state in which the client device is able to receive software upgrades and in which the client device is unable to direct communication to the server." Applicant asserts that the art of record does not teach communication between the client system and the server system when the client system is in a powered off state, much less the claimed functionality of determining whether a new version of software has been installed by the server system while the client system is in a powered off state.

Claim 30 is directed to a method which includes "receiving...an upgrade for software for the device, where the receiving occurs while the client is in the powered off state" and further specifies that "the powered off state is a state in which the client device is able to receive software upgrades and in which the interactive user application of the client device is disabled." Additionally, claim 37 is directed to a client system having "a computer-readable medium carrying computer-executable instructions that, when executed at the client system, cause the client system to determine whether a new version of software has been downloaded while the client system was in a powered off state, wherein the powered off state is a state in which the first communication interface is disabled and the second communication interface is enabled." The art of record does not teach or suggest a system or method of receiving communications from a server at a client while the client is in a powered off state.

Claim 43 recites "when the client system is to receive the upgraded version of client software, transmitting the upgraded software from the server system to the client system when the client system in a powered off state, wherein the powered off state is a state in which the client system is able to receive software upgrades and in which the client system is unable to direct communication to the server system." Because the art of

record does not teach or make obvious a server system or a client system configured to send/receive new versions of software while the client is in a powered off state, these claims are patentably distinct over the cited references.

Claims 31 and 33-36, 38-42, and 44-50, which depend from claims 30, 37, and 43, respectively, are also patentable for at least the aforementioned reasons.

No new matter is believed to be introduced by this amendment. In particular, support for these amendments may be found in FIGs 3 and 9 and on pages 20 and 21 of the present Specification.

CONCLUSION

Accordingly, in view of the above amendment and remarks it is submitted that claims 12 and 30, 31, and 33-50 are patentably distinct over the cited references and that all the rejections to the claims have been overcome. Reconsideration of the above Application is requested. Based on the foregoing, Applicants respectfully requests that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this response, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

PATENT

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

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Date: October 18, 2007

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